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Company GUC Trust - Appellee*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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<b>In re</b>	:
	:
<b>MOTORS LIQUIDATION COMPANY, et al.,</b>	:
<b>f/k/a General Motors Corp., et al.</b>	:
	:
<b>Debtors.</b>	:
	:
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**Chapter 11 Case No.**  
**09-50026 (REG)**  
**(Jointly Administered)**

**MOTORS LIQUIDATION COMPANY  
GUC TRUST'S COUNTER-DESIGNATION OF  
ADDITIONAL ITEMS TO BE INCLUDED IN THE RECORD ON  
APPEAL IN CONNECTION WITH THE APPEAL OF SHERIF KODSY**

Pursuant to Rule 8006 of the Federal Rules of Bankruptcy Procedure, the Motors Liquidation Company GUC Trust (the "**GUC Trust**"), formed by the above-captioned debtors (collectively, the "**Debtors**")<sup>1</sup> in connection with the *Debtors' Second Amended Joint Chapter 11 Plan*, dated March 18, 2011 (the "**Plan**") submit the following counter-statement of issue presented on appeal and counter-designation of additional items to be included in the record in

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<sup>1</sup> The Debtors are Motors Liquidation Company (f/k/a General Motors Corporation) ("**MLC**"); MLCS, LLC (f/k/a Saturn, LLC); MLCS Distribution Corporation (f/k/a Saturn Distribution Corporation); MLC of Harlem, Inc. (f/k/a Chevrolet-Saturn of Harlem, Inc.); Remediation and Liability Management Company, Inc. ("**REALM**"); and Environmental Corporate Remediation Company, Inc. ("**ENCORE**").

Each of the Debtors dissolved by December 15, 2011. Pursuant to the Plan (as hereinafter defined), the GUC Trust has the exclusive authority to resolve claims against the Debtors. As such, the GUC Trust is the proper appellee for this appeal.

connection with the appeal of Sherif Kodsy (“**Mr. Kodsy**” or “**Appellant**”) from the November 7, 2013 order (ECF No. 12539) (the “**Order**”) of the United States Bankruptcy Court for the Southern District of New York (the “**Bankruptcy Court**”) (Gerber, J.) denying Mr. Kodsy’s *Motion for Summary Judgment* (the “**Kodsy Motion**”).<sup>2</sup>

**COUNTER-STATEMENT OF ISSUE ON APPEAL**

Did the Bankruptcy Court err in issuing the Order?

**COUNTER-DESIGNATION OF RECORD**<sup>3</sup>

<b>Designation Number</b>	<b>Date of Filing</b>	<b>ECF Number</b>	<b>Description</b>
1	7/5/2009	2968	Order (I) Authorizing Sale of Assets Pursuant to Amended and Restated Master Sale and Purchase Agreement with NGMCO, Inc., a U.S. Treasury-Sponsored Purchaser; (II) Authorizing Assumption and Assignment of Certain Executory Contracts and Unexpired Leases in Connection with the Sale; and (III) Granting Related Relief
2	9/16/2009	4079	Order Establishing the Deadline for Filing Proofs of Claim Against MLC, MLCS, LLC, MLCS Distribution Corporation, MLC of Harlem, Inc., and MLC of Harlem, Inc.
3	12/2/2009	4586	Order Establishing the Deadline for Filing Proofs of Claim Against REALM and ENCORE
4	12/18/2009	4681	Order Establishing the Deadline for Filing Proofs of Claim with Respect to Claims Relating to Certain Properties
5	1/4/2010	N/A	Proof of Claim No. 69683 filed by Sherif Kodsy
6	2/23/2010	5037	Order Pursuant to 11 U.S.C. § 105(a) and General Order M-390 Authorizing Implementation of

<sup>2</sup> The Kodsy Motion was styled as a motion for summary judgment, however, neither a complaint nor an adversary proceeding was filed or initiated in the Bankruptcy Court with respect to this matter. Furthermore, the Kodsy Motion appeared to request that the Bankruptcy Court order a state court to permit Mr. Kodsy to proceed with litigation in the state court without the need to post a bond after Mr. Kodsy was found by the state court to be a vexatious claimant. While the Kodsy Motion was not filed on the docket as a standalone document, the full text of the Kodsy Motion is reprinted in the Order (ECF No. 12539).

<sup>3</sup> The GUC Trust reserves the right to amend this counter-designation of items to be included in the record on appeal. For items designated, the designation includes all documents referenced within the particular document number, including, without limitation, all exhibits, attachments, declarations, and affidavits related thereto.

<b>Designation Number</b>	<b>Date of Filing</b>	<b>ECF Number</b>	<b>Description</b>
			Alternative Dispute Resolution Procedures, Including Mandatory Mediation
7	4/29/2010	5673	Supplemental Order Authorizing Implementation of Alternative Dispute Resolution Procedures, Including Mandatory Mediation
8	9/21/2010	7050	Debtors' Ninety-Eighth Omnibus Objection to Claims (Incorrectly Classified Claims)
9	10/25/2010	7558	Amended Order signed Pursuant to 11 U.S.C. Section 105(a) and General Order M-390 Authorizing Implementation of Alternative Dispute Procedures, Including Mandatory Mediation
10	3/18/2011	9836	Debtors' Second Amended Joint Chapter 11 Plan
11	3/29/2011	9941	Findings of Fact and Conclusions of Law and Order Pursuant to Sections 1129(A) and (B) of the Bankruptcy Code and Rule 3020 of the Federal Rules of Bankruptcy Procedure Confirming Debtors' Second Amended Joint Chapter 11 Plan
12	5/3/2011	10152	Supplemental Order Granting Debtors' Ninety-Eighth Omnibus Objection to Claims (Incorrectly Classified Claims)
13	4/12/2012	11589	Objection to a Stipulated Order Between Motors Liquidation Company GUC Trust and Sherif Rafik Kodsy Providing for Limited Modification of the Automatic Stay and the Plan Injunction filed by Sherif Rafik Kodsy
14	4/13/2012	11604	Motion of Motors Liquidation Company GUC Trust for Limited Modification of the Automatic Stay and the Plan Injunction as to the Action Filed by Sherif Rafik Kodsy
15	5/8/2012	11689	Motors Liquidation Company GUC Trust's Reply to the Objection Filed by Sherif Rafik Kodsy to Order Providing for Limited Modification of the Automatic Stay and the Plan Injunction
16	5/22/2012	11743	Order Granting Motion of Motors Liquidation Company GUC Trust for Limited Modification of the Automatic Stay and the Plan Injunction as to the Action Filed by Sherif Rafik Kodsy
17	6/4/2012	11777	Second Amended Order Granting Motion to Supplement Amended Order Pursuant to 11 U.S.C. § 105(a) and General Order M-390 Authorizing Implementation of Alternative Dispute Procedures, Including Mandatory Mediation
18	11/7/2013	12539	Endorsed Order Re: Motion for Summary

Designation Number	Date of Filing	ECF Number	Description
			Judgment filed by Sherif Rafik Kodsy
19	11/25/2013	12554	Notice of Appeal filed by Sherif Rafik Kodsy of Endorsed Order Re: Motion for Summary Judgment filed by Sherif Rafik Kodsy
20	12/17/2013	12564	Notice of Filing by the Motors Liquidation Company GUC Trust of Documents to be Referenced in a Counter-Designation of Items to be Included in the Record on Appeal in Connection with the Appeal of Sherif Kodsy
21	6/1/2009 – 12/17/2013	N/A	Docket for <i>Motors Liquidation Company, et al. (f/k/a General Motors Corp. et al.)</i> , Ch. 11 Case No. 09-50026 (REG) for 6/1/2009 through 12/17/2013

Dated: December 17, 2013  
New York, New York

/s/ Joseph H. Smolinsky  
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